

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: 10-cv-2306 ADM/JJK**

Diamond Lewis and Samuel Lewis,

Plaintiff,

v.

American Accounts & Advisers, Inc.,

Defendant.

RULE 26(f) REPORT

The counsel identified below participated in the meeting required by Fed.R.Civ.P. 26(f), on September 30, 2010, and prepared the following report.

The pretrial conference has been scheduled for **October 4, 2010 at 3:15 p.m.**, before United States Magistrate Judge Jeffrey J. Keyes in Courtroom 6 A, United States District Court, Warren E. Burger Federal Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101. **The parties do not request that the pretrial be held by telephone.**

A. DESCRIPTION OF CASE

1. Concise Factual Summary of Plaintiff's Claim:

Plaintiffs bring claims under the Fair Debt Collection Practices Act ("FDCPA"), alleging in part that Defendant violated the FDCPA.

2. Concise Factual Summary of Defendant's claims/defenses:

Defendant denies that it violated the FDCPA.

3. Statement of Jurisdiction (including statutory citations):

Jurisdiction of this Court arises under 15 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 1331.

4. Summary of Factual Stipulations or Agreements:

None at this time.

5. Statement of whether a jury trial has been timely demanded by any party:

Plaintiffs have demanded a jury trial in this matter.

6. If the parties would like the case resolved under the Rules of Procedure for Expedited Trials of the United States District Court, District of Minnesota, a statement of the parties' agreement.

B. DISCOVERY DEADLINES AND LIMITS

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **October 4, 2010**.
2. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **January 2, 2011**.
3. Fact discovery shall be commenced in time to be completed on or before **May 1, 2011**.
4. No more than a total of **25 interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **25 document requests** and not more than **25 requests for admissions** shall be served by each side.
5. No more than **5 depositions**, excluding expert witness depositions, shall be taken by each side.

6. Non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **May 1, 2011**.
7. Each side may call up to **one expert witness**. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosure required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witnesses shall be made as follows:
 - a. Identities by Plaintiffs or before **February 1, 2011**.
Reports by Plaintiffs on or before **March 1, 2011**.
 - b. Identities by Defendant on or before **February 15, 2011**.
Reports by Defendant on or before **March 15, 2011**.
8. Each side may take one deposition per expert. Expert discovery, including depositions, shall be completed by **April 15, 2011**. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **May 1, 2011**.
9. Defendant reserves the right to schedule a Rule 35 medical examination(s), if necessary, which shall be taken on or before **April 15, 2011**.

C. PROTECTIVE ORDER

If either party believes a Protective Order is necessary, the parties shall jointly submit a proposed Protective Order. The parties are encouraged, though not required, to use Form 6 to the Local Rules as a template for the proposed Protective Order, they shall present with this report any issues of disagreement. The Court shall endeavor to resolve any issues relating to the Protective Order in connection with the pretrial conference.

D. INSURANCE CARRIERS/INDEMNITORS

List all insurance carriers/indemnitors, including limits of coverage of each Defendant or statement that the Defendant is self-insured.

Defendant is insured by The Travelers E&O Policy. This matter has not been tendered to an insurance company.

E. DISPOSITIVE MOTION SCHEDULE

The parties recommend that dispositive motions be filed and served on or before **July 1, 2011**.

F. TRIAL-READY DATE

The parties agree that the case will be ready for jury trial on or after **September 1, 2011**; the expected length of trial is **2** days.

G. SETTLEMENT

- (1) The parties will discuss settlement before **October 4, 2010**, the date of the initial pretrial conference, by the plaintiffs making a written demand for settlement and each defendant making a written response/offer to the plaintiffs' demand.
- (2) The parties believe that a settlement conference is appropriate and should be scheduled by the Court before **December 2010**.
- (3) The parties have discussed whether alternative dispute resolution (ADR) will be helpful to the resolution of this case and recommend the following to the Court:

As noted above, the parties believe a settlement conference with the magistrate is the preferred method of ADR.

H. TRIAL BY MAGISTRATE JUDGE

The parties **have not** agreed to consent to jurisdiction by the Magistrate Judge pursuant to Title 28, United States Code, Section 636(c). (If the parties agree, the consent should be filed with the Rule 26(f) Report).

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Dated: September 30, 2010

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Dated: September 30, 2010